

# Calendar No. 969

68TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 899

## TO AMEND SECTION 194 OF THE PENAL CODE OF THE UNITED STATES

JANUARY 20, 1925.—Ordered to be printed

Mr. OVERMAN, from the Committee on the Judiciary, submitted  
the following

### REPORT

[To accompany S. 3180]

The Committee on the Judiciary, to which was referred the bill (S. 3180) to amend section 194 of the Penal Code of the United States, having considered the same report thereon with the recommendation that it be passed without amendment.

The passage of this bill is urged by the Department of Justice and the Post Office Department. If passed, the effect will be to add to section 194 of the Criminal Code the following language:

or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter.

It has come to be the practice of persons who go to a mail box to deposit mail for collection, and find that the box is either too full or too small to contain the objects sought to be deposited therein, to place them on top of the box or on the ground underneath or nearby. Section 194 of the Criminal Code provides penalties for persons who take mail matter "from or out of" any authorized depository, but the courts have held that it does not cover the taking of mail matter deposited upon or near by an authorized depository. (Case of *U. S. v. Lophansky*, 232 Fed. 297.) The amendment proposed is to cover an act of that character.